



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 74

TUESDAY, FEBRUARY 8, 2011

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 15, 2011
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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY H. Kinsolving

1 AN ACT relating to weights and measures.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 363.510 TO 363.850 IS CREATED
4 TO READ AS FOLLOWS:

5 *The Commissioner may promulgate administrative regulations relating to servicing or*
6 *inspecting instruments and devices used to measure internal moisture or density levels*
7 *in unprocessed bulk tobacco as described in Section 2 of this Act.*

8 ➔Section 2. KRS 363.510 is amended to read as follows:

9 When used in KRS 363.510~~[363.520]~~ to 363.850:

- 10 (1) "Department" means the Kentucky Department of Agriculture.
11 (2) "Commissioner" means the Commissioner of Agriculture.
12 (3) "Division" means the Division of Regulation and Inspection.
13 (4) "Weights and measures" means all weights and measures of every kind, instruments
14 and devices for weighing and measuring, and any appliances and accessories
15 associated with any of the~~[such]~~ instruments and devices.

16 *(a) The term shall include instruments and devices used to measure internal*
17 *moisture or density levels in unprocessed bulk tobacco if that moisture or*
18 *density determination is used as a condition of sale or as part of a*
19 *contractual sales agreement.*~~[, except that]~~

20 *(b)* The term shall not include meters for the measurement of electricity, gas
21 (natural or manufactured), or water when they are operated in a public utility
22 system. Electricity, gas, and water meters are specifically excluded from the
23 purview of KRS 363.510 to 363.850, and none of the provisions of KRS
24 363.510 to 363.850 shall apply to those meters or to any appliances or
25 accessories associated with those meters.

26 (5) "Sell" and "sale" mean barter and exchange.

27 (6) "Director" means the state director of the Division of Regulation and Inspection.

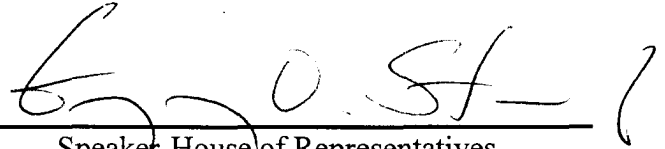
- 1 (7) "Inspector" means a state inspector of weights and measures.
- 2 (8) "Sealer" and "deputy sealer" mean, respectively, a sealer of weights and measures
3 and a deputy sealer of weights and measures of a city of the first, second, or third
4 class.
- 5 (9) "Intrastate commerce" means all commerce or trade that is begun, carried on, and
6 completed wholly within the limits of the State of Kentucky, and the phrase
7 "introduced into intrastate commerce" defines the time and place at which the first
8 sale and delivery of a commodity is made within the state, the delivery being made
9 either directly to the purchaser or to a common carrier for shipment to the
10 purchaser.
- 11 (10) "Commodity in package form" means a commodity put up or packaged in any
12 manner in advance of sale in units suitable for either wholesale or retail sale,
13 exclusive of any auxiliary shipping container enclosing packages that individually
14 conform to the requirements of KRS 363.510 to 363.850. An individual item or lot
15 of any commodity not in package form as defined in this section, but on which there
16 is marked a selling price based on an established price per unit of weight or of
17 measure, shall be considered a commodity in package form.
- 18 (11) "Consumer package" or "package of consumer commodity" means a commodity in
19 package form that is customarily produced or distributed for sale through retail sales
20 agencies or instrumentalities for consumption by individuals or use by individuals
21 for the purposes of personal care or in the performance of services ordinarily
22 rendered in or about the household or in connection with personal possessions.
- 23 (12) "Nonconsumer package" or "package of nonconsumer commodity" means any
24 commodity in package form other than a consumer package, and particularly a
25 package designed solely for industrial or institutional use or for wholesale
26 distribution only.
- 27 (13) (a) "Barrel," when used in connection with fermented liquor, means a unit of

1 thirty-one (31) gallons.

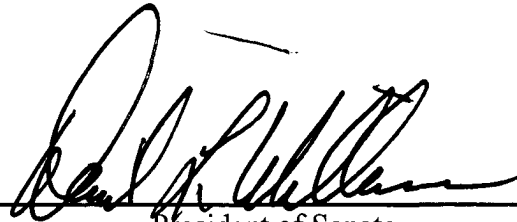
2 (b) "Ton" means a unit of two thousand (2,000) pounds avoirdupois weight.

3 (c) "Cord," when used in connection with wood intended for fuel purposes,
4 means the amount of wood that is contained in a space of one hundred twenty-
5 eight (128) cubic feet when the wood is ranked and well stowed.

6 (14) "Weight," as used in connection with any commodity, means net weight. If any
7 commodity is sold on the basis of weight, the net weight of the commodity shall be
8 used, and all contracts concerning commodities shall use net weight as their basis of
9 weight.

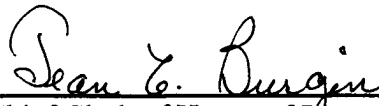


Speaker-House of Representatives



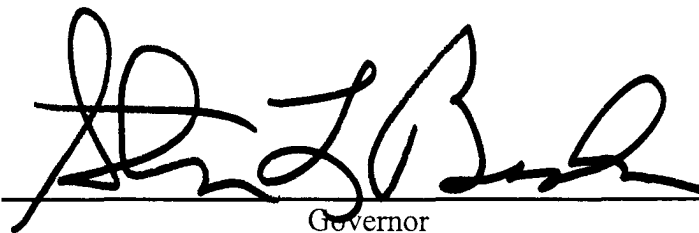
President of Senate

Attest:



Chief Clerk of House of Representatives

Approved



Governor

Date

March 15, 2011